



Comptroller General  
of the United States

Washington, D.C. 20548

*Curcio*

## Decision

**Matter of:** Ingersoll-Rand Company

**File:** B-237497

**Date:** October 26, 1989

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### DIGEST

Protest that procuring agency violated protester's proprietary rights by using a drawing that protester furnished to the government with limited rights is dismissed since the appropriate remedy in such a case is administrative settlement of the claim or a judicial action against the government for damages rather than consideration by the General Accounting Office under its bid protest jurisdiction.

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### DECISION

Ingersoll-Rand Company protests that the Defense Logistics Agency (DLA) improperly used an Ingersoll-Rand proprietary drawing in request for proposals (RFP) No. DLA 700-89-R-2280.

We dismiss the protest.

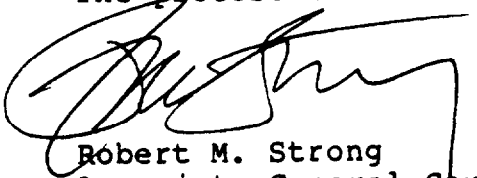
The RFP was issued on September 22, 1989, to procure shaft sleeves, NSN 4320-01-192-3466, described by DCSC drawing CS-4320-SV-0753. According to Ingersoll-Rand, the cited drawing is Ingersoll-Rand part number D-275S8AVX3, which is used on auxiliary seawater pumps for Trident submarines. Ingersoll Rand relates that under a prior contract for the seawater pump it provided the drawing to the government with limited rights which permit the government to use the drawing to manufacture repair parts in the event of an emergency. Ingersoll-Rand complains that the drawing was only permitted to be used for that purpose and that DLA is violating the protester's proprietary data rights by using the drawing for procurement purposes.

We have held that in the interest of preserving the integrity of the government as purchaser, and of avoiding possible legal liability, the government should recognize a firm's proprietary rights and not use or disclose

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proprietary information for procurement purposes unless it has acquired the rights to do so. 52 Comp. Gen. 312 (1972). To this end, we have also maintained that the appropriate remedy for a firm that contends that the government has infringed its proprietary rights is an action against the government for damages or administrative settlement of its claim. Del Mar Avionics--Request for Reconsideration, B-231124.2, Feb. 9, 1989, 89-1 CPD ¶ 131. Accordingly, since Ingersoll-Rand is asserting that DLA infringed its proprietary rights we find that the firm's remedy lies in administrative settlement of its claim or judicial action against DLA for damages.

The protest is dismissed.

A handwritten signature in black ink, appearing to read "R. Strong", is written over the printed name of Robert M. Strong.

Robert M. Strong  
Associate General Counsel